

1 (2) Actions for damages for injuries to the person, or for taking
2 or detaining personal property, or for injuring personal property, or
3 for an injury to real property when no issue raised by the answer
4 involves the plaintiff's title to or possession of the same and actions
5 to recover the possession of personal property;

6 (3) Actions for a penalty;

7 (4) Actions upon a bond conditioned for the payment of money, when
8 the amount claimed does not exceed fifty thousand dollars, though the
9 penalty of the bond exceeds that sum, the judgment to be given for the
10 sum actually due, not exceeding the amount claimed in the complaint;

11 (5) Actions on an undertaking or surety bond taken by the court;

12 (6) Actions for damages for fraud in the sale, purchase, or
13 exchange of personal property;

14 (7) Proceedings to take and enter judgment on confession of a
15 defendant;

16 (8) Proceedings to issue writs of attachment, garnishment and
17 replevin upon goods, chattels, moneys, and effects;

18 (9) Actions arising under the provisions of chapter 19.190 RCW;

19 (10) Proceedings to civilly enforce any money judgment entered in
20 any municipal court or municipal department of a district court
21 organized under the laws of this state; and

22 (11) All other actions and proceedings of which jurisdiction is
23 specially conferred by statute, when the title to, or right of
24 possession of, real property is not involved.

25 **Sec. 2.** RCW 12.40.010 and 2001 c 154 s 1 are each amended to read
26 as follows:

27 In every district court there shall be created and organized by the
28 court a department to be known as the "small claims department of the
29 district court." The small claims department shall have jurisdiction,
30 but not exclusive, in cases for the recovery of money only if the
31 amount claimed does not exceed (~~four~~) five thousand dollars.

32 MUNICIPAL COURT CONTRACTING

33 **Sec. 3.** RCW 3.50.003 and 1984 c 258 s 125 are each amended to read
34 as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "City" means an incorporated city or town.

4 (2) "Contracting city" means any city that contracts with a hosting
5 jurisdiction for the delivery of judicial services.

6 (3) "Hosting jurisdiction" means a county or city designated in an
7 interlocal agreement as receiving compensation for providing judicial
8 services to a contracting city.

9 (4) "Mayor((~~r~~))" ((~~as used in this chapter,~~)) means the mayor, city
10 manager, or other chief administrative officer of the city.

11 NEW SECTION. Sec. 4. A new section is added to chapter 3.50 RCW
12 to read as follows:

13 A city may meet the requirements of RCW 39.34.180 by entering into
14 an interlocal agreement with the county in which the city is located or
15 with one or more cities.

16 **Sec. 5.** RCW 3.50.020 and 2005 c 282 s 14 are each amended to read
17 as follows:

18 The municipal court shall have exclusive original jurisdiction over
19 traffic infractions arising under city ordinances and exclusive
20 original criminal jurisdiction of all violations of city ordinances
21 duly adopted by the city (~~((in which the municipal court is located))~~)
22 and shall have original jurisdiction of all other actions brought to
23 enforce or recover license penalties or forfeitures declared or given
24 by such ordinances or by state statutes. A hosting jurisdiction shall
25 have exclusive original criminal and other jurisdiction as described in
26 this section for all matters filed by a contracting city. The
27 municipal court shall also have the jurisdiction as conferred by
28 statute. The municipal court is empowered to forfeit cash bail or bail
29 bonds and issue execution thereon; and in general to hear and determine
30 all causes, civil or criminal, including traffic infractions, arising
31 under such ordinances and to pronounce judgment in accordance
32 therewith. A municipal court participating in the program established
33 by the administrative office of the courts pursuant to RCW 2.56.160
34 shall have jurisdiction to take recognizance, approve bail, and arraign
35 defendants held within its jurisdiction on warrants issued by any court
36 of limited jurisdiction participating in the program.

COURT COMMISSIONERS

Sec. 6. RCW 3.42.020 and 1984 c 258 s 31 are each amended to read as follows:

Each district court commissioner shall have such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess and shall prescribe, except that when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

Sec. 7. RCW 3.34.110 and 1984 c 258 s 17 are each amended to read as follows:

(1) A district ((judge)) court judicial officer shall not ((act as judge)) preside in any of the following cases:

((+1)) (a) In an action to which the ((judge)) judicial officer is a party, or in which the ((judge)) judicial officer is directly interested, or in which the ((judge)) judicial officer has been an attorney for a party.

((+2)) (b) When the ((judge)) judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the ((judge)) judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of ((judges shall be)) judicial officer is allowed each party ((under this subsection)) in an action or proceeding.

(2) When a ((judge)) judicial officer is disqualified under this section, the case shall be heard before another ((judge or judge pro tempore)) judicial officer of the same county.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

1 **Sec. 8.** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as
2 follows:

3 (1) One or more court commissioners may be appointed by a judge of
4 the municipal court.

5 (2) Each commissioner holds office at the pleasure of the
6 appointing judge.

7 (3) A commissioner authorized to hear or dispose of cases must be
8 a lawyer who is admitted to practice law in the state of Washington or
9 a nonlawyer who has passed, by January 1, 2003, the qualifying
10 examination for lay judges for courts of limited jurisdiction under RCW
11 3.34.060.

12 (4) When serving as a commissioner, the commissioner does not have
13 authority to preside over trials in criminal matters, or jury trials in
14 civil matters unless agreed to on the record by all parties.

15 (5) A commissioner need not be a resident of the city or of the
16 county in which the municipal court is created. When a court
17 commissioner has not been appointed and the municipal court is presided
18 over by a part-time appointed judge, the judge need not be a resident
19 of the city or of the county in which the municipal court is created.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 3.50 RCW
21 to read as follows:

22 (1) A municipal court judicial officer shall not preside in any of
23 the following cases:

24 (a) In an action to which the judicial officer is a party, or in
25 which the judicial officer is directly interested, or in which the
26 judicial officer has been an attorney for a party.

27 (b) When the judicial officer or one of the parties believes that
28 the parties cannot have an impartial trial or hearing before the
29 judicial officer. The judicial officer shall disqualify himself or
30 herself under the provisions of this section if, before any
31 discretionary ruling has been made, a party files an affidavit that the
32 party cannot have a fair and impartial trial or hearing by reason of
33 the interest or prejudice of the judicial officer. The following are
34 not considered discretionary rulings: (i) The arrangement of the
35 calendar; (ii) the setting of an action, motion, or proceeding for
36 hearing or trial; (iii) the arraignment of the accused; or (iv) the

1 fixing of bail. Only one change of judicial officer is allowed each
2 party in an action or proceeding.

3 (2) When a judicial officer is disqualified under this section, the
4 case shall be heard before another judicial officer of the
5 municipality.

6 (3) For the purposes of this section, "judicial officer" means a
7 judge, judge pro tempore, or court commissioner.

8 **Sec. 10.** RCW 35.20.155 and 1996 c 16 s 3 are each amended to read
9 as follows:

10 When so authorized by the city legislative authority, the judges of
11 the city may appoint one or more municipal court commissioners. A
12 commissioner must be a registered voter of the city, and shall hold
13 office at the pleasure of the appointing judges. A person appointed as
14 a commissioner authorized to hear or dispose of cases must be a lawyer
15 who is admitted to the practice of law in the state of Washington. A
16 commissioner has such power, authority, and jurisdiction in criminal
17 and civil matters as the appointing judges possess and may prescribe,
18 except that when serving as a commissioner, the commissioner does not
19 have authority to preside over trials in criminal matters, or jury
20 trials in civil matters unless agreed to on the record by all parties.

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 35.20 RCW
22 to read as follows:

23 (1) A municipal court judicial officer shall not preside in any of
24 the following cases:

25 (a) In an action to which the judicial officer is a party, or in
26 which the judicial officer is directly interested, or in which the
27 judicial officer has been an attorney for a party.

28 (b) When the judicial officer or one of the parties believes that
29 the parties cannot have an impartial trial or hearing before the
30 judicial officer. The judicial officer shall disqualify himself or
31 herself under the provisions of this section if, before any
32 discretionary ruling has been made, a party files an affidavit that the
33 party cannot have a fair and impartial trial or hearing by reason of
34 the interest or prejudice of the judicial officer. The following are
35 not considered discretionary rulings: (i) The arrangement of the
36 calendar; (ii) the setting of an action, motion, or proceeding for

1 hearing or trial; (iii) the arraignment of the accused; or (iv) the
2 fixing of bail and initially setting conditions of release. Only one
3 change of judicial officer is allowed each party in an action or
4 proceeding.

5 (2) When a judicial officer is disqualified under this section, the
6 case shall be heard before another judicial officer of the
7 municipality.

8 (3) For the purposes of this section, "judicial officer" means a
9 judge, judge pro tempore, or court commissioner.

10 **TASK FORCE ON ACCESS TO JUSTICE FOR VICTIMS**
11 **OF DOMESTIC VIOLENCE AND HARASSMENT**

12 NEW SECTION. **Sec. 12.** (1)(a) A legislative task force on access
13 to justice for victims of domestic violence and harassment is
14 established. The task force shall consist of the following thirteen
15 members:

16 (i) One member from each of the two largest caucuses of the senate,
17 appointed by the president of the senate;

18 (ii) One member from each of the two largest caucuses of the house
19 of representatives, appointed by the speaker of the house of
20 representatives;

21 (iii) One superior court judge, appointed by the superior court
22 judges association;

23 (iv) One district court judge and one municipal court judge,
24 appointed by the district and municipal court judges association;

25 (v) One representative of municipalities, appointed by the
26 association of Washington cities;

27 (vi) One representative of counties, appointed by the Washington
28 state association of counties;

29 (vii) One representative of domestic violence victims, appointed by
30 the Washington state coalition against domestic violence;

31 (viii) One representative of the criminal defense bar, appointed
32 jointly by the Washington association of criminal defense lawyers and
33 the Washington defenders association;

34 (ix) One representative of prosecuting attorneys, appointed by the
35 Washington association of prosecuting attorneys; and

1 (x) One representative of law enforcement, appointed by the
2 Washington association of sheriffs and police chiefs.

3 (b) The task force shall choose its chair from among its
4 legislative membership.

5 (2) The task force shall examine ways to improve access to the
6 courts of limited jurisdiction for victims of domestic violence and
7 harassment. Issues the task force shall review include:

8 (a) Necessary victim support and advocacy services available at or
9 through the court;

10 (b) Desirable training requirements for judicial officers and other
11 court personnel involved in domestic violence and antiharassment
12 matters;

13 (c) Necessary infrastructure, such as facilities and security, for
14 the handling of domestic violence and antiharassment matters; and

15 (d) Effective coordination between the various trial courts within
16 the jurisdiction in providing access to victims seeking protection
17 orders, including issues relating to the potential for overlapping or
18 redundant court services in the jurisdiction and possible cost sharing
19 or reimbursement arrangements for handling domestic violence and
20 antiharassment matters.

21 (3) Staff support for the task force shall be provided by senate
22 committee services and the house of representatives office of program
23 research.

24 (4) Legislative members of the task force are reimbursed for travel
25 expenses in accordance with RCW 44.04.120. Nonlegislative members,
26 except those representing an employer or organization, are entitled to
27 be reimbursed for travel expenses in accordance with RCW 43.03.050 and
28 43.03.060.

29 (5) The expenses of the task force shall be paid jointly by the
30 senate and the house of representatives. Task force expenditures are
31 subject to approval by the senate facilities and operations committee
32 and the house of representatives executive rules committee, or their
33 successor committees.

34 (6) The task force shall report its findings and recommendations to
35 the appropriate committees of the legislature by December 1, 2008.

36 (7) This section expires December 31, 2008.

1 **MUNICIPAL DEPARTMENTS**

2 NEW SECTION. **Sec. 13.** A new section is added to chapter 3.46 RCW
3 to read as follows:

4 A municipality operating a municipal department under this chapter
5 prior to July 1, 2008, may continue to operate as if this act was not
6 adopted. Such municipal departments shall remain subject to the
7 provisions of this chapter as this chapter was written prior to the
8 adoption of this act.

9 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 3.46.010 (Municipal department authorized) and 1984 c 258
12 s 72 & 1961 c 299 s 35;

13 (2) RCW 3.46.020 (Judges) and 1987 c 3 s 1, 1984 c 258 s 73, & 1961
14 c 299 s 36;

15 (3) RCW 3.46.030 (Jurisdiction) and 2005 c 282 s 13, 2000 c 111 s
16 5, 1985 c 303 s 13, & 1961 c 299 s 37;

17 (4) RCW 3.46.040 (Petition) and 1984 c 258 s 74 & 1961 c 299 s 38;

18 (5) RCW 3.46.050 (Selection of full time judges) and 1975 c 33 s 2
19 & 1961 c 299 s 39;

20 (6) RCW 3.46.060 (Selection of part time judges) and 1984 c 258 s
21 75 & 1961 c 299 s 40;

22 (7) RCW 3.46.063 (Judicial positions--Filling--Circumstances
23 permitted) and 1993 c 317 s 3;

24 (8) RCW 3.46.067 (Judges--Residency requirement) and 1993 c 317 s
25 5;

26 (9) RCW 3.46.070 (Election) and 1984 c 258 s 76 & 1961 c 299 s 41;

27 (10) RCW 3.46.080 (Term and removal) and 1984 c 258 s 77 & 1961 c
28 299 s 42;

29 (11) RCW 3.46.090 (Salary--City cost) and 1984 c 258 s 78, 1969
30 ex.s. c 66 s 5, & 1961 c 299 s 43;

31 (12) RCW 3.46.100 (Vacancy) and 1984 c 258 s 79 & 1961 c 299 s 44;

32 (13) RCW 3.46.110 (Night sessions) and 1961 c 299 s 45;

33 (14) RCW 3.46.120 (Revenue--Disposition--Interest) and 2004 c 15 s
34 7, 1995 c 291 s 2, 1988 c 169 s 1, 1985 c 389 s 3, 1984 c 258 s 303,
35 1975 1st ex.s. c 241 s 4, & 1961 c 299 s 46;

36 (15) RCW 3.46.130 (Facilities) and 1961 c 299 s 47;

37 (16) RCW 3.46.140 (Personnel) and 1961 c 299 s 48;

1 (17) RCW 3.46.145 (Court commissioners) and 1969 ex.s. c 66 s 6;
2 (18) RCW 3.46.150 (Termination of municipal department--Transfer
3 agreement--Notice) and 2005 c 433 s 33, 2001 c 68 s 2, 1984 c 258 s
4 210, & 1961 c 299 s 49;
5 (19) RCW 3.46.160 (City trial court improvement account--
6 Contributions to account by city--Use of funds) and 2005 c 457 s 2;
7 (20) RCW 3.42.030 (Transfer of cases to district judge) and 2000 c
8 164 s 1, 1984 c 258 s 32, & 1961 c 299 s 33; and
9 (21) RCW 3.50.007 (Cities and towns of four hundred thousand or
10 less to operate municipal court under this chapter or chapter 3.46
11 RCW--Municipal judges in office on July 1, 1984--Terms) and 1984 c 258
12 s 102.

13 **MISCELLANEOUS PROVISIONS**

14 NEW SECTION. **Sec. 15.** This act takes effect July 1, 2008.

15 NEW SECTION. **Sec. 16.** Subheadings used in this act are not any
16 part of the law.

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